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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Charles Baird and Lauren Slayton, as
individuals, and on behalf of all others
similarly situated, and on behalf of the
BlackRock Retirement Savings Plan,

Plaintiffs,

v.

BlackRock Institutional Trust Company,
N.A., et al.,

Defendants.

Case No: 4:17-cv-01892-HSG

**STIPULATION AND ORDER TO MODIFY
TIME TO RESPOND TO
ADMINISTRATIVE MOTIONS TO FILE
UNDER SEAL**

Pursuant to N.D. Cal. Civil Local Rule 6-2, parties in the above captioned matter by and through their respective counsel, stipulate and agree to the following:

1. WHEREAS, on September 24, 2020, the parties filed, among other documents, administrative motions to file under seal motions for summary judgment and supporting exhibits. *E.g.*, ECF Nos. 378 and 384.

2. WHEREAS, the documents the parties seek to file under seal contain information designated as confidential and subject to a protective order. *Id.*

3. WHEREAS, N.D. Cal. Civil Local Rule 79-5(e)(1) provides that, “[w]ithin 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a

1 declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is
 2 sealable.”

3 4. WHEREAS, on September 28, 2020 Plaintiffs requested, and Defendants agreed to, a
 4 seven day extension of time by which such Designating Parties may file declarations supporting the
 5 sealing of documents. Plaintiffs sought an extension time at the request of Finadium, a non-party to
 6 this litigation whose confidential information was included in Plaintiffs’ exhibits filed under seal.

7 5. WHEREAS, the Parties have not previously requested an extension of time with
 8 respect to the time to respond to the instant administrative motions to file under seal.

9 6. WHEREAS, the requested modification would have no effect on the case schedule.

10 7. WHEREAS, the previous time modifications in the case are as follows:

11 a. The parties have previously stipulated to modifications to the case schedule on
 12 August 3, 2017, ECF No. 62; February 20, 2018, ECF No. 103, June 18, 2018,
 13 ECF No. 122; and January 1, 2019, ECF No. 236; February 5, 2019, ECF No. 250;
 14 and June 16, 2020, ECF No. 375.

15 b. In addition to these stipulated scheduling orders, there have been eight other time
 16 adjustments in this matter. Six related to the motions to dismiss the original and
 17 first amended complaint. ECF Nos. 28, 38, 48, 55, 82, 88. Two related to the
 18 briefing schedule on the plaintiffs’ Motion for Leave to File Second Amended
 19 Complaint. ECF Nos. 139, 146.

20 8. A declaration from Daniel R. Sutter, setting forth the reasons for the parties’ request,
 21 is attached hereto as Exhibit A.

22
 23 Respectfully submitted,

24 Dated: September 28, 2020

25
 26 **COHEN MILSTEIN SELLERS & TOLL, PI**

O’MELVENY & MYERS LLP

27 /s/ Michelle C. Yau
 28 Michelle C. Yau (admitted *Pro Hac Vice*)

/s/Meaghan VerGow
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Attorneys for Defendants

ORDER

PURSUANT TO THE STIPUATION, IT IS SO ORDERED:

The deadline by which Designating Parties may file declarations supporting the parties' administrative motions to file under seal shall be October 5, 2020.

Dated: 9/29/2020


Judge Haywood S. Gilliam, Jr.
U.S. District Court for the
Northern District of California